

BARNES & THORNBURG

Richard W. Paulen
(219) 293-0681

US EPA RECORDS CENTER REGION 5



305 Ameritrust National Bank Building
301 South Main Street
Elkhart, Indiana 46516
(219) 293-0681

TWX 810-341-3427 B&T LAW IND
Telecopier (219) 296-2535

January 22, 1991

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Elizabeth O. Murphy, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 5
230 South Dearborn St.
Chicago, IL 60604

RE: Request for Information Pursuant to Section 104(e) of CERCLA for the Lusher Street Site in Elkhart, Indiana directed to Walerko Tool and Engineering Corp.

Dear Ms. Murphy:

Pursuant to our telephone conversation of Thursday, January 17, 1991, I would like to confirm that I have been retained to represent Walerko Tool and Engineering Corp. regarding their response to a 104(e) Request which was originally forwarded to them in March of 1990. As I indicated to you on the telephone, my client's mistakenly believed that they had made all appropriate responses with respect to the Lusher Street Site in Elkhart, Indiana. On January 25, 1990, my clients received a letter from you regarding the Site, a copy of that letter is enclosed and marked Exhibit "A". In response to that letter, the Chief Executive Officer of the Corporation contacted Mr. John Kelly on January 29, 1990, and followed that telephone conversation with a letter explaining their position with respect to the Lusher Street Site. A copy of that letter is attached as Exhibit "B" and a copy of the phone bill for the telephone call in question is attached as Exhibit "C".

Unfortunately, my clients are neither familiar with the superfund system nor the litigation or similar environments. As a result they did not take appropriate action with respect to the U.S. EPA's 104(e) Request. Since I have been retained I have had an opportunity to speak directly to the principals at Walerko and have explained to them the necessity for a timely response to 104(e) Requests. The Corporation is now in the process of accumulating all of the documents and information for compiling a complete response to the outstanding 104(e) Request. As soon as that information has been accumulated, I will see that an appropriate response is relayed to the U.S. EPA.



Elizabeth O. Murphy, Esq.

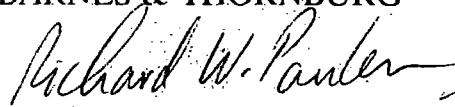
January 22, 1991

Page 2

My clients and I would both appreciate any consideration you could show them with respect to the delinquent filing of their 104(e) Response. If there are any questions regarding the above information please contact my office.

Respectfully,

BARNES & THORNBURG



Richard W. Paulen

RWP:ske

Enclosures

cc: Walerko Tool and Engineering Corp.
Bernard Katz, Esq.

RWP00829

